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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,250	07/11/2001	Terumasa Matsushima	14779	9454

23389 7590 10/21/2004

SCULLY SCOTT MURPHY & PRESSER, PC
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GARDEN CITY, NY 11530

EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/903,250

Applicant(s)

MATSUSHIMA, TERUMASA

Examiner

Geoffrey Akers

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims 1-8 are rejected under 35 USC 103(a) as unpatentable over Berent(US Pat. No:5,774,873) in view of Friedland(US Pat. No: 6,449,601).

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2. As per claims 1-8 Berent teaches a purchaser terminal for inputting purchaser information of desired goods to be registered(col 7 lines 51-col 8 line 20) and an exhibitor's information being input(Fig 6b).Berent further teaches that the electronic auction enables the user to preview sale inventory to register as a bidder for the sale and to bid electronically(Fig 6a). Berent further teaches allowing the user to receive a listing of sale dates and times(Fig 6b).Berent further teaches users receive electronically displayed ribbons for winning in the electronic auction sent to their address by messaging(col 9 lines 56-60) and is electronically designated.Berent also teaches a purchase summary of items bought by the bidder(col 10 lines 6-33). In addition to that taught by Berent, Friedland also teaches an auction management server for managing both purchaser's information and exhibiter's information(Abstract).Friedland also teaches an auction list of items previously registered(Fig 7/702/706/716). Friedland further teaches a distributed live auction where the lots are registered by Internet, mail or telephone(col 5 lines 6-10).Friedland teaches registration of lots by the auctioneer, auction house(auction management system) via Internet, telephone or mail(col 6 lines 14-19).Friedland further teaches client registration through an Internet based system(col 10 lines 12-61)(Fig 5).Friedland also teaches a status message containing multiple fields including an auction ID field(col 14 line 62)

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and a lot ID field that contains a unique identifier for the lot being auctioned(col 14 line 63-66), bid/ask fields(col 14 line 66) and high bidder field that indicates the identity of the highest bidder(col 15 lines 3-7). It would have been obvious to one skilled in the art at the time of the invention to combine Berent in view of Friedland to teach the disclosure. The motivation to combine is to teach an auction information system that may monitor in real time auction progress as enunciated by Friedland(col 2 lines 43-63).

Conclusion

3. THIS ACTION IS MADE NON-FINAL.

4. Any questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Thursday at 703-306-5844. If attempts to contact the primary examiner are unsuccessful, the primary examiner's superior, Mrs. Wynn Coggins, SPE, may be called at (703)-308-1344.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.

October 16, 2004

10/15/04

DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER